IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OKLAHOMA

NORMA G. GALINDO,)	
Plaintiff,)	
v.)	Case No. 15-CV-346-JED-PJC
PRICE EDWARDS & COMPANY,)	
d/b/a POMEROY PARK APARTMENTS,)	
a domestic partnership,)	
)	
Defendants.)	
)	

ORDER

The Court has for its consideration "Plaintiffs' [sic] Fed.R.Civ.P. 41(a)(2) Motion to Dismiss Without Prejudice." (Doc. 10, hereafter "Plaintiff's Motion to Dismiss"). The actual "Movant" here is Plaintiff's counsel, Charles C. Vaught of Armstrong & Vaught P.L.C. (hereafter "A&V" or "Movant"), who seeks to dismiss all claims without prejudice pursuant to FRCP 41(a)(2). The Movant represents that he has "attempted to contact Plaintiff by telephone numerous times without success" and that he has "sent Plaintiff letters requesting that she . . . contact A&V or Movant would have no alternative but to withdraw from her case for failure to cooperate." (Doc. 10 at ¶5). Movant also represents that he attempted to "contact Plaintiff by telephone to no avail," and asks that the Court allow him to withdraw from his representation of Plaintiff and dismiss this case without prejudice pursuant to Rule 41(a)(2).

This case is in its infancy. The Complaint was filed on June 23, 2015 (Doc. 1), summons was returned on September 17 (Doc. 4), the Defendant answered through counsel on October 2 (Doc. 4) and Plaintiff's Motion to Dismiss was filed on November 12.

Rule 41(a)(2) states that "[e]xcept as provided in Rule 41(a)(1), an action may be

dismissed at the *plaintiff's* request only by court order, on terms that the court considers proper."

(emphasis added). Here, the Movant—Plaintiff's counsel—has acknowledged that Plaintiff has

not invoked Rule 41(a)(2) and the plain language of the rule provides no substitute of counsel

absent the Plaintiff's request.

IT IS THEREFORE ORDERED that the Plaintiff's Motion to Dismiss (Doc. 10) is

denied. The Movant's request to withdraw as attorney of record for the Plaintiff is granted.

Attorney Charles C. Vaught is hereby withdrawn as counsel of record for Plaintiff Norma G.

Galindo.

IT IS FURTHER ORDERED that counsel is directed to mail a copy of this Order to the

Plaintiff and furnish the Court with any contact information for the Plaintiff, including her most

recent address and phone number(s). Within thirty (30) days of the receipt of this Order

Plaintiff, Norma G. Galindo, shall cause new counsel to enter an appearance in this matter on her

behalf or file a statement with the Court of her intention to proceed pro se in this matter. Failure

to comply with this Order will result in a dismissal of this matter without prejudice.

SO ORDERED this 18th day of November, 2015.

JOHN E. DOWDELL

UNITED STATES DISTRICT JUDGE